

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

IN RE: BAIR HUGGER FORCED AIR MDL No.: 15-md-02666 (JNE/FLN)
WARMING PRODUCT LIABILITY
LITIGATION

This Document Relates To:

VANESSA OSBORNE,

Civil Action No.: 17-CV-02099-JNE-FLN

Plaintiff,

**DECLARATION OF DONALD C. GREEN II IN SUPPORT OF
PLAINTIFF'S RESPONSE TO DEFENDANTS' MOTION TO DISMISS**

I, Donald C. Green II, declare as follows:

1. I am an attorney at Kennedy Hodges, LLP and Counsel for Plaintiff Vanessa Osborne in the above-captioned matter.
2. I submit this affidavit in opposition to Defendants' Motion to Dismiss for Failure to Comply with Pretrial Order No. 14 [Dkt. 1068] filed on February 1, 2018.
3. Ms. Osborne contacted Kennedy Hodges, LLP in June of 2015 regarding injuries that were allegedly caused by the Bair Hugger patient warming device.
4. Medical records and billing records pertaining to Ms. Osborne's treatment were obtained by Kennedy Hodges through its third party medical records retrieval company. Those records suggested use of a Bair Hugger device during her original orthopedic surgery.

5. This case was filed on June 18, 2017 to comply with the statute of limitations deadline.
6. Numerous phone calls were placed to Ms. Osborne by staff at Kennedy Hodges in an attempt to reach her and obtain information to complete the Plaintiff Fact Sheet. These calls were placed between July 2017 and February 2018, prior to and continuing after the original deadline for submission of the Plaintiff Fact Sheet.
7. Additionally, several letters have been sent to Ms. Osborne since her case was filed, requesting that she contact our office to complete the Plaintiff Fact Sheet.
8. Based on information and belief, Ms. Osborne has not made any attempt to contact Kennedy Hodges in response to these phone calls and letters in order to provide the information necessary to complete the Plaintiff Fact Sheet.
9. As we have been unable to obtain the additional information necessary to complete the Plaintiff Fact Sheet for this claim, we have not been able to cure the alleged deficiencies pertaining to the Plaintiff Fact Sheet that has been submitted for this case.

Pursuant to 28 U.S.C. § 1746(2), I declare under penalty of perjury that the foregoing is true and correct.

February 8, 2018

/s/ Donald C. Green II
Donald C. Green II